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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,885	03/26/2001	John Matthew Powers	13DV13562	7616
32999	7590	05/06/2004	EXAMINER	
DAVID E. CRAWFORD, JR. SONNENSCHN NATH & ROSENTHAL 8000 SEARS TOWER CHICAGO, IL 60606			BELLAMY, TAMIKO D	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/817,885	Applicant(s) POWERS ET AL.	
	Examiner Tamiko D. Bellamy	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) 6, 7, and 10-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment dated 2/11/04 has been received and entered. Claim 1 has been canceled.
Claims 2-17 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schumacher et al. (6,561,048).

With respect to claim 2, as depicted in fig. 4, Schumacher et al. discloses the clamp (e.g., jaws 76,78) engages a pair of the pressure faces to hold the dovetail (24) against the support (e.g., apparatus body 52) and the blade in the fixture (e.g., holder 72).

With respect to claims 3 and 4, as depicted in fig. 1, Schumacher et al. discloses a turbine engine blade having an airfoil (22) extending from a shank, and dovetail (24) including a pair of protrusions. As depicted in fig. 4, Schumacher et al. discloses a fixture (e.g., holder 72) holds the turbine engine blade. Schumacher et al, further discloses in fig. 4 that the fixture (e.g., holder 72) includes a support (e.g., apparatus body 52) for receiving a dovetail (24). The device of Schumacher et al. also includes a clamp (e.g., jaws 76, 78) mounted adjacent to the support (e.g., apparatus body 52). As depicted in fig. 4, Schumacher et al. discloses a support (e.g., apparatus 52) that engages a base

portion of the dovetail (24). Schumacher et al. lacks the detail of opposing surfaces of the support engaging the laterally opposite tips of the protrusions. However, the device of Schumacher et al. engages a portion of the platform (26) that includes the laterally opposite tips of a pair of protrusions. Therefore to employ Schumacher et al. on opposing surface of a support that engage the laterally opposite tips would have been obvious since this reference explicitly teaches the use of a support that engages a platform that includes a laterally opposite tips and a dovetail portion.

With respect to claim 8, Schumacher et al. discloses that the clamp (e.g., jaws 76, 78) contains a movable jaw (78). Schumacher et al. lacks the detail of at least one pair of rotatably mounted clamping members. However, the device of Schumacher et al. discloses a clamp pair containing a fixed jaw (76) and a movable jaw (78) whereas the movable jaw (78) moves respectively about a fixed jaw (76). Although the clamp device Schumacher et al. uses does not contain a pair of rotatably mounted clamping members, the clamp using one rotatable clamp (e.g., movable clamp 78) in combination with the fixed clamp (76) function the same as the claimed invention. The court held in, In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975); In re Karlson, 311 F.2d 581, 136 USPQ 184 (CCPA 1963), that the omission of an element and its function in a combination, where the remaining elements perform the same functions as before, involves only routine skill in the art. Therefore, to employ Schumacher et al. on a pair of rotatably mounted clamping members would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use on an apparatus for holding a turbine blade which typically has a rotatable clamp.

With respect to claim 9, as depicted in fig. 1, Schumacher et al. discloses the clamp member (e.g., jaws 76, 78) contains a curved portion that engages a portion of the pressure face on the dovetail (24).

With respect to claim 5, as depicted in figs. 1 and 4, Schumacher et al. discloses that the blade has two pair of protrusions.

Allowable Subject Matter

4. Claims 6, 7, and 10-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Mondays, Tuesdays & Fridays 6:30 AM to 3:30PM; and on Wednesdays and Thursdays the examiner 6:30 AM to 11:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.
April 30, 2004



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800